

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JEHAD ZAYED)	CASE NO.
1517 Fitzroy Street)	
Westlake, Ohio 44145)	JUDGE
)	
Plaintiff)	
)	
v.)	
)	
ARTHUR VENTURA)	
Both individually and in his capacity as an)	
Employee of City of North Olmstead)	
27243 Lorain Road)	
North Olmsted, Ohio 44070)	
)	
And)	
)	
OFFICER R. BRIESATH badge No. 102)	
Both individually and in his capacity as an)	
Employee of City of North Olmstead)	
27243 Lorain Road)	
North Olmsted, Ohio 44070)	
)	
Defendants)	

Plaintiff Jehad Zayed, for his Complaint against the Defendants state as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter, pursuant to 28 U.S.C. § 1331, 1334(3) and (4) as to the claims for violation of the Plaintiff's civil rights, protected by the United States Constitution.
2. This Court has jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367.

3. This action is brought pursuant to claims arising under the laws of the State of Ohio, the Constitution of the State of Ohio, the Constitution of the United States, the fourth and Fourteenth Amendment to the United States Constitution, 42 U.S.C. §§ 1983, 1985 and 1988 as it is an action for compensatory damages, punitive damages and attorney fees.

4. Venue is proper in the Northern District of Ohio as all actions complained about within this Complaint took place within the district and Defendants are located within the district.

PARTIES

5. Plaintiff Jehad Zayed is a natural person and at all times a resident of Westlake, Ohio.

6. Defendant Arthur Ventura, is a natural person, and an employee of the North Olmstead Police Department, badge number 101. Defendant is a “person” as defined under 42 U.S.C. § 1983, and at all relevant times to this case acted under the color of law. He is sued both in his individual and official capacity.

7. Defendant R. Briesath, is a natural person, and an employee of the North Olmstead Police Department, badge number 102. Defendant is a “person” as defined under 42 U.S.C. § 1983, and at all relevant times to this case acted under the color of law. He is sued both in his individual and official capacity.

FACTS

8. On September 14, 2016 Plaintiff Jehad Zayed (hereinafter Zayed) was staying as a guest at the La Quinta Inn located at 25105 County Boulevard, North Olmstead, Ohio.

9. North Olmsted police were called to the location to remove Plaintiff from his room, for failure to pay the room charges owed to La Quinta Inn.

10. Officers Ventura and Briesath were dispatched to the call to perform the eviction.

11. Zayed left his room, and entered the lobby of the hotel in order to pay his room charges.

12. Zayed was confronted by Ventura and Briesath. Ventura and Briesath demanded the Zayed allow Defendants to search the person of Zayed.
13. Zayed refused to allow the search and began to exit the lobby of the hotel.
14. Officers Ventura and Briesath pursued Zayed from the hotel to the parking lot.
14. Zayed with his back to the Defendants was walking out the door of the hotel, when one of the Defendants shot him from behind with a taser gun.
15. Defendants made no attempt prior to shooting Zayed with the taser to arrest or otherwise detain Zayed.
16. Defendants then shot Zayed a second time with a taser, the prongs of which lodge in the head of Zayed.
17. The electric shock from the taser to the head rendered Zayed unconscious.
18. Zayed awoke in the hospital with multiple injuries, including drag marks on his body, broken and missing teeth, injuries to his nose, chin and forehead, and multiple bruises to his arms, back and chest.
19. Zayed at no time presented any threat to the Defendants, or anyone at the hotel. Zayed was walking away from the officers.

COUNT I – 42 U.S.C. § 1983 – EXCESSIVE FORCE

20. Plaintiff incorporates and restates paragraphs 1-19 above as if fully written.
21. Defendants, under color of law, deprived Mr. Zayed of rights, privileges, and immunities secured to him by the Fourteenth Amendment to the United States Constitution, including the prohibition on unreasonable searches and seizures contained in the Fourth Amendment to the United States Constitution, by either using excessive force and/or failing to intervene to prevent officers from using or continuing to use excessive force.

22. The Defendants use of excessive force and violation of the prohibition on the use of excessive force resulted in the serious bodily injury suffered by Mr. Zayed.

COUNT II – ASSULT AND BATTERY

23. Plaintiff incorporates and restates paragraphs 1-22 above as if fully written.

24. The Defendants intentionally and maliciously applied and/or threatened to apply unnecessary and unlawful force against Mr. Zayed.

25. The Defendants did not have the consent of the Plaintiff to apply force, nor did Defendants have any justification for the application of such force.

26. The unlawful use of force against the Plaintiff, caused bodily harm to the Plaintiff, resulting in medical treatment.

27. The Defendants application of force was willful, wanton and malicious conduct such that Plaintiff is entitled to punitive damages and attorney fees.

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for relief as follows:

A. As to Count I, Plaintiff prays for judgment against each of the Defendants jointly and severally both in their individual capacity and as an employee of the City of North Olmstead for compensatory and punitive damages as well as attorney fees expended in this pursuant of this litigation.

B. As to Count II, Plaintiff prays for judgment against each of the Defendants jointly and severally both in their individual capacity and as an employee of the City of North Olmstead for compensatory and punitive damages as well as attorney fees expended in this pursuant of this litigation.

C. Plaintiff prays for such additional relief that the Court finds just and equitable.

JURY DEMAND

Plaintiff hereby demands a trial by jury as to all claims and defenses alleged in this matter.

Respectfully submitted

FREEBURG LAW FIRM LPA

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Attorney for Plaintiff Jihad Zayed